

CHAPTER 302
SB 118 - FINAL VERSION

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2019 SESSION

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SENATE BILL ***118***

AN ACT establishing a child fatality review committee.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Rep. Hinch, Hills. 21; Rep. Berrien, Rock. 18; Rep. Guthrie, Rock. 13; Rep. Rice, Hills. 37

COMMITTEE: Health and Human Services

ANALYSIS

This bill establishes a standing child fatality review committee.

This bill is a request of the department of health and human services.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 302
SB 118 - FINAL VERSION
- Page 2 -

1 (d) The director of the injury prevention program, division of public health
2 services, department of health and human services, or designee.

3 (e) The director of the division for children, youth and families, department of
4 health and human services, or designee.

5 (f) The director of the division for behavioral health, department of health
6 and human services, or designee.

7 (g) The director of the division of family assistance, department of health and
8 human services, or designee.

9 (h) The commissioner of the department of health and human services, or
10 designee.

11 (i) The commissioner of the department of safety, or designee.

12 (j) The commissioner of the department of education, or designee.

13 (k) One representative of the judicial branch, appointed by the chief justice of
14 the supreme court.

15 (l) The director of the office of the child advocate, or designee.

16 (m) The director of the women, infants, and children program, division of
17 public health services, department of health and human services, or designee.

18 (n) The director of the division of fire standards and training and emergency
19 medical services, department of safety, or designee.

20 (o) A member of the New Hampshire Pediatric Society, appointed by the
21 society.

22 (p) An early childhood education specialist, appointed by the commissioner of
23 the department of health and human services.

24 (q) A maternal and child health specialist, appointed by the commissioner of
25 the department of health and human services.

26 (r) A representative of a child advocacy center, appointed by the
27 commissioner of the department of health and human services.

28 (s) A representative of Court Appointed Special Advocates (CASA), appointed
29 by the director of CASA.

30 (t) A psychiatrist or psychologist licensed in this state, appointed by the
31 commissioner of the department of health and human services.

32 (u) A representative of a parent advocacy organization, appointed by the
33 commissioner of the department of health and human services.

34 (v) An epidemiologist from a New Hampshire college or university, appointed
35 by the commissioner of the department of health and human services.

36 (w) A domestic violence specialist, appointed by the commissioner of the
37 department of health and human services.

CHAPTER 302
SB 118 - FINAL VERSION
- Page 3 -

1 (x) A representative of a statewide law enforcement officers' advisory council,
2 appointed by the commissioner of the department of health and human services.

3 (y) A representative of a family resource center or home visiting program,
4 appointed by the commissioner of the department of health and human services.

5 (z) A member of the public, appointed by the commissioner or the department
6 of health and human services.

7 (aa) A representative of the New Hampshire Hospital Association, appointed
8 by the association.

9 (bb) A representative of the New Hampshire Coalition Against Domestic and
10 Sexual Violence, appointed by the coalition.

11 IV. Members of the child fatality review committee appointed under
12 subparagraphs III(a)-(n) shall serve a term coterminous with their term in office.
13 Members appointed under subparagraphs III(o)-(bb) shall serve a 6-year term, provided
14 that initial appointments shall be for staggered terms of one to 6 years.

15 (a) The committee shall elect 2 chairpersons from among its members. The
16 first meeting of the committee shall be called by the commissioner of the department of
17 health and human services, or designee, and shall be held within 45 days of the effective
18 date of this section.

19 (b) The committee may create additional subcommittees focused on specific
20 populations such as for SUID and SDY. These subcommittees shall be subject to the
21 same protections and responsibilities as the child fatality review committee.
22 Membership of these subcommittees shall be determined by the co-chairpersons.

23 (c) Members of the committee shall sign confidentiality statements that
24 prohibit any unauthorized dissemination of information except when disclosures may be
25 necessary to enable the committee to carry out its duties under this subdivision. No
26 material shall be used for reasons other than for which it was intended.

27 (d) The department of health and human services shall provide
28 administrative support to the committee.

29 V. The child fatality review committee shall:

30 (a) Meet no fewer than 6 times per year to conduct reviews of child fatalities,
31 including sudden unexpected infant deaths (SUID) and sudden death in the young
32 (SDY). Subcommittees shall meet as determined by the co-chairpersons.

33 (b) Utilize case identification with the sole purpose of notification and data
34 collection among state agencies. Each of the state agencies represented on the
35 committee shall share relevant case information regarding decedents known to or
36 enrolled in state agency programs or services. The review committee shall have access
37 to all records of the division for children, youth and families, including case records,

CHAPTER 302
SB 118 - FINAL VERSION
- Page 4 -

1 third party records, which include the healthcare and education records of any child
2 receiving services from a state agency, and court records. The committee may review
3 existing records and other information regarding the child from relevant agencies,
4 professionals, and providers of medical, dental, prenatal, and mental health care. The
5 information shared shall include, but not limited to, reports from health care providers,
6 social service providers, law enforcement, and the medical examiner's office.

7 (c) Study the adequacy of statutes, rules, training, and services to determine
8 what changes are needed to decrease the incidence of preventable child fatalities and, as
9 appropriate, take steps to implement these changes.

10 (d) Educate the public regarding the incidence and causes of child fatalities
11 and the public's role in preventing these deaths.

12 (e) Complete an annual statistical report on the incidence and causes of child
13 fatalities in this state during the past fiscal year and submit a copy of this report,
14 including its recommendations for action, to the governor, the senate president, the
15 speaker of the house of representatives, and the health and human services oversight
16 committee established in RSA 126-A:13. The committee shall submit the report on or
17 before December 15 of each year.

18 VI. The committee may subpoena witnesses, records, documents, reports,
19 reviews, recommendations, correspondence, data, and other evidence that the
20 committee reasonably believes is relevant to the committee's objectives.

21 VII.(a) The committee shall maintain the confidentiality of all records pursuant
22 to RSA 169-C:25, RSA 170-G:8-a, and all other related confidentiality laws.

23 (b) The information and records obtained and created in execution of the
24 child fatality review committee's official functions shall be exempt from disclosure
25 pursuant to RSA 91-A and shall be privileged and exempt from use or disclosure in any
26 criminal or civil matter or administrative proceeding. No person who participates in
27 the official functions of the committee shall be compelled to testify or produce evidence
28 in any judicial or administrative proceeding with respect to any matter involving
29 exercise of his or her official duties.

30 (c) Meetings of the committee shall be exempt from RSA 91-A:3.

31 (d) Any person who knowingly discloses case records or other information
32 obtained from committee proceedings shall be guilty of a misdemeanor.

302:2 Effective Date. This act shall take effect upon its passage.

Approved: July 29, 2019
Effective Date: July 29, 2019